

requirements under 37 CFR § 1.321(c)(3). Since U.S. Patent No. 6,440,420 contains three inventors, namely, Xin Liu, Xiao-Ni Huang, and Chee-Keung Chung, and is not assigned to any natural or legal entity, while the present invention is invented by Chee-Keung Chung and Siu-Kan Tong, and assigned to Enhance Technology Holding International Co., Ltd., they are not “commonly owned” under the definition set forth in MPEP § 706(l)(2) (“The term ‘commonly owned’ is intended to mean that the subject matter which would otherwise be prior art to the claimed invention and the claimed invention are entirely or wholly owned by the same person(s) or organization(s)/business entity(ies) at the time the claimed invention was made. If the person(s) or organization(s) owned less than 100 percent of the subject matter which would otherwise be prior art to the claimed invention, or less than 100 percent of the claimed invention, then common ownership would not exist.”)

Examiner Ware, however, indicates that she believes that the Applicants should be qualified to file the terminal disclaimer because a common inventor, Chee-Keung Chung, is present in both U.S. Patent No. 6,440,420 and the present invention. Assuming that Examiner Ware’s understanding of the “common ownership” requirement under 37 CFR 1.321(c) is correct, and since Applicants have no objection in filing the terminal disclaimer, the undersigned hereby submits the terminal disclaimer which accompanies this Supplemental Response to the Office Action After Final.

In view of the foregoing, the objection and rejections have been overcome and the claims are in condition for allowance, early notice of which is requested. Should the application not be passed for issuance, the examiner is requested to contact the applicant's attorney to resolve the problem.

Appl. No. 10/777,652
Amdt. dated January 31, 2006
Reply to Office action of September 20, 2005

Respectfully submitted,

Date: January 31, 2006



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